

**NATURAL RESOURCES COMMISSION
Meeting Minutes
September 7, 2016**

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 22 Monument Square, second floor Hearing Room, Concord, MA at **7:00 p.m. on Wednesday**, September 7, 2016. The following Commissioners were present: Lynn Huggins, Chair, Greg Higgins, Chip Poutasse, and Judy Zaunbrecher. Delia Kaye, Natural Resources Director, Lori Capone, Assistant Natural Resources Director, and Natural Resources Administrative Assistant Karen Bockoven, were also present.

Chair Huggins opened the meeting at 7:00 p.m. in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Concord Wetlands Bylaw.

Karen Kirsten, 280 Estabrook Road, DEP File #137-1339	7:00 pm
Normandy Baker LLC, 300-310 Baker Avenue, DEP File #137-1342	7:01 pm
Concord Museum, 200 Lexington Road, DEP File #137-1351	7:20 pm
Eric M. Stokes, 20 Winthrop Street Trust, 20 Winthrop Street, DEP File #137-1357	7:40 pm
Matthew Hall, 269 Sudbury Road, DEP File #137-1354	7:43 pm
Linda Okurowski, 40 Squaw Sachem Trail, DEP File #137-1236	7:45 pm
Amy McManus, 136 Laurel Street, DEP File #137-1353	7:47 pm
Everett Bramhall, 607 Main Street, DEP File #137-1361	7:50 pm
Edward G. Tiedemann, Jr., Trustee, 656 Barretts Mill Road, DEP File #137-1362	8:00 pm
Massachusetts Port Authority, 777 Virginia Road, DEP File #137-1366	8:09 pm

CONTINUANCES

Notice of Intent Application for Karen Kirsten, 280 Estabrook Road, DEP File #137-1339

Chair Huggins reopened the hearing to remove trees and vegetation, plant a meadow, and remove invasive species within the 200-foot Riverfront Area of a tributary to Dakins Brook and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to September 21, 2016. Commissioner Poutasse seconded. All so voted.

Notice of Intent Application for Normandy Baker LLC, 300-310 Baker Avenue, DEP File #137-1342

Chair Huggins reopened the hearing to construct 114 additional parking spaces with associated grading and drainage within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Locus Plan prepared by Beals & Thomas revised on August 5, 2016;
- Correspondence from Beals & Thomas dated August 8, 2016;
- Mitigation and Restoration Planting Plan prepared by Beals & Thomas revised on August 5, 2016, and
- Stormwater Management Report prepared by Beals & Thomas dated August 2, 2016.

Robert Weidknecht from Beals and Thomas, Inc. and Matthew Lavell from Normandy Baker LLC attending tonight's meeting. Mr. Weidknecht said at the last meeting there were concerns about the location of some of the parking. Since that time, Normandy asked one of their tenants to vacate the warehouse building, which is within the floodplain. The warehouse building could be torn down and that space can be used for parking. In order to make the grades work, they will raise the parking within the floodplain. They will provide compensation for the floodplain loss in two locations in areas that are already disturbed. Mr. Weidknecht explained that John Minty evaluated the need for parking and Director Kaye received an email confirming the Applicant's calculation. Mr. Weidknecht discussed the proposed mitigation, to remove invasive vegetation around the pond area and replant with native trees and shrubs. They have also revised their stormwater calculations for flood storage. Mr. Weidknecht is waiting to hear back from Mr. Renault.

Chair Huggins asked if they were still under the amount of parking spaces they were looking for. Mr. Lavell replied that it is minimal and they would not be coming back to request additional parking. Mr. Lavell said that the 130 additional parking spaces are sufficient.

Commissioner Zaunbrecher inquired about flooding signs. Mr. Lavell said that the entire site is within floodplain. The lower areas flood and that is why the signs are posted there.

There were no public comments.

At the request of the Applicant, the hearing was continued to September 21, 2016.

Notice of Intent Application for Concord Museum, 200 Lexington Road, DEP File #137-1351

Chair Huggins reopened the hearing to demolish an existing building and construct a 4,800-square foot addition, including a new access driveway, parking lots, and utility work within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Natural Resources Commission Permit Set Plan prepared by Nitsch Engineering dated August 26, 2016;
- Stormwater Report prepared by Nitsch Engineering revised on August 26, 2016;
- Correspondence from Nitsch Engineering revised August 31, 2016; and
- Memorandum from Nitsch Engineering dated August 26, 2016.

Steven Ventresca from Nitsch Engineering, Lisa Giersbach from G2 Collaborative, and Ralph Earle from the Concord Museum attended tonight's meeting. Mr. Ventresca informed the Commission that the initial wetland delineation occurred in the winter. When it was reevaluated in the growing season, Mr. Ventresca said that the wetland boundary shifted closer to the site. Mr. Ventresca explained the proposed plan. No work is proposed in the 25-foot No Disturb Zone. With the new delineation they will have about 450 s.f. of impervious area from new parking in the 50-foot No Build Zone (NBZ), as well as grading. For mitigation they are proposing invasive removal on the Emerson parcel which was recently acquired by the Concord Museum. Mr. Ventresca said that with regard to stormwater management, that will remain the same. Chair Huggins asked how they were quantifying their mitigation in terms of the 450 s.f. intrusion into the 50-foot NBZ. Ms. Giersbach replied that there is a good amount of land where they would like to do invasives removal. They would also like to use the area for educational programming. Director Kaye noted that mitigation needs to be

commensurate with the scope of the project. Work in the outer Buffer Zone requires 1 to 1 mitigation and work in the 50-foot NBZ is higher. Chair Huggins said they would need to see the Applicant's plan to see what would be done in the 50-foot NBZ that has value from the Commission's perspective.

Commissioner Zaunbrecher asked whether anything was happening with the house. Mr. Ventresca said that it will be converted from a residence to temporary office space for the museum. Mr. Earle added that over the long-term, the museum has not decided how the house will be used, but during construction it will be used as office space. Commissioner Zaunbrecher asked if this project could be conditioned to require that a portion of the house be moved outside the 50-foot NBZ to mitigate for the current incursion from the parking area. Director Kaye responded yes.

Commissioner Zaunbrecher asked if the parking could be in another location. Mr. Ventresca said doing so would present a grading issue.

Chair Huggins said snow management needed to be clear and recommended signage. She said that stormwater management is being reviewed by CPW.

There were no public comments.

At the request of the Applicant, the hearing was continued to October 5, 2016.

Notice of Intent Application for Eric M. Stokes, 20 Winthrop Street Trust, 20 Winthrop Street, DEP File #137-1357

Chair Huggins reopened the hearing to construct a garage off the rear of the dwelling and install a driveway with associated grading within Bordering Land Subject to Flooding.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised on August 19, 2016;
- Correspondence from Stamski and McNary, Inc. dated August 19, 2016.

Molly Obendorf from Stamski and McNary, Inc. attended tonight's meeting. Ms. Obendorf presented the proposed garage. They will be filling floodplain, but have provided compensatory storage by cutting back the graded driveway. The proposed garage has flood conduits in the front that is a 6-inch pipe with a grate on the front which allows the water to flow in and out of the garage. Chair Huggins asked about the design of the flood flaps under the garage and if it complies with the Building Code. Flood flaps would not work because of the grades and they are proposing a PVC pipe with a 6-inch screen at an elevation of 123 feet which would be to code. Director Kaye asked for a cut sheet of the design and Ms. Obendorf responded that they developed the design themselves. Ms. Obendorf said they have also filed with the ZBA.

There were no public comments.

The Applicant agreed to continue the hearing until October 19, 2016.

Notice of Intent Application for Matthew Hall, 269 Sudbury Road, DEP File #137-1354

Chair Huggins reopened the hearing to demolish and reconstruct a single-family house within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised on August 12, 2016;
- Correspondence from Stamski and McNary dated August 12, 2016; and
- Landscape Plan prepared by Mattworks, Ltd. Dated July 21, 2016.

Ms. Obendorf from Stamski and McNary, Inc. attended tonight's meeting. Ms. Obendorf provided a waiver request and noted that the markers will be 13 feet from wetlands. Ms. Obendorf said that the shed is being relocated outside the 25-foot NDZ.

There were no public comments.

Commissioner Higgins moved to close the hearing and issue an Order of Conditions for Matthew Hall, 269 Sudbury Road, DEP File #137-1354 with Standard Conditions 1-19 and Special Conditions 20-53. Commissioner Zaunbrecher seconded. All so voted.

Amended Notice of Intent, Linda Okurowski, 40 Squaw Sachem Trail, DEP File #137-1236

Chair Huggins reopened the hearing for an amendment to construct a wall within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Site Plan prepared by Stamski and McNary, Inc. revised on August 18, 2016; and
- Correspondence from Stamski and McNary, Inc. dated August 18, 2016.

Linda Okurowski of 40 Squaw Sachem Trail attended tonight's meeting. Chair Huggins said all the requested information has been addressed. The fence has been replaced with granite markers, replacement trees show some variety, and the plans have been clarified with regard to the retaining wall along the northeastern side of the lot.

There were no public comments.

Commissioner Poutasse moved to close the hearing and issue an Order of Conditions for the 2nd Amendment for Linda Okurowski, 40 Squaw Sachem Trail, DEP File #137-1236 with Finding A and Standard Conditions 1-19 and Special Conditions 20-48. Commissioner Higgins seconded. All so voted.

Notice of Intent Application for Amy McManus, 136 Laurel Street, DEP File #137-1353

Chair Huggins reopened the hearing to demolish the existing single-family home and construct a new single family dwelling within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary revised on August 17, 2016; and
- Correspondence from Stamski and McNary, Inc. dated August 19, 2016.

Molly Obendorf from Stamski and McNary, Inc. attended tonight's meeting. Ms. Obendorf said the plans have been revised to address Commission's comments on the seed mix and the foundation drain and rain garden outlet.

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for Amy McManus, 136 Laurel Street, DEP File #137-1353 with Finding A, Standard Conditions 1-19 and Special Conditions 20-52. All so voted.

Notice of Intent Application for Everett Bramhall, 607 Main Street, DEP File #137-1361

Chair Huggins reopened the hearing to construct an addition and convert an existing covered porch into living space within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised on August 19, 2016; and
- Correspondence from Stamski and McNary, Inc. dated August 19, 2016.

Molly Obendorf from Stamski and McNary, Inc. attended tonight's meeting. Ms. Obendorf said that the project involves converting an existing porch into living space. She said that they were asked at the last meeting to provide invasives species control. Jonathan Bransfield of Bransfield Tree Company prepared an Invasive Plant Management Plan. At the last hearing, they were also asked to evaluate modifying the footprint of the addition so that it was outside the 25-foot NDZ. The existing house has windows on the eastern side and it would be nice to elongate the addition and make it more narrow. Ms. Obendorf said the porch serves as a second exit for the house. Chair Huggins asked if the porch is going to be enclosed, where is the second exit going to be. The Applicant needs to confirm where the door is going. Chair Huggins also stated that there cannot be any overhangs or drip lines in the 25-foot No Disturb Zone. Chair Huggins said the Commission needs confirmation as to where the existing door and steps are within the 50-foot Buffer Zone. Commissioner Zaunbrecher asked about the flagstone pavers existing on the property now.

Commissioner Higgins asked what type and brand of herbicide Mr. Bransfield was using. Ms. Obendorf said she would get that information.

Chair Huggins inquired about the drain pipe off the porch and if it was going to be capped. Ms. Obendorf responded that the pipe will go into a subsurface infiltration trench.

There were no public comments.

At the request of the Applicant, the hearing was continued to September 21, 2016.

NEW APPLICATIONS

Notice of Intent Application for Edward G. Tiedemann, Jr., Trustee, 656 Barretts Mill Road, DEP File #137-1362

The Applicant is seeking approval to replace an existing culvert and install underground utilities within Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. dated August 16, 2016.

Molly Obendorf from Stamski and McNary, Inc. and Edward Tiedemann of 656 Barretts Mill Road attended tonight's meeting. Commissioner Higgins stated that he helped Mr. Tiedemann acquire a property seven or eight years ago. Chair Huggins stated that since Commissioner Higgins does not have a financial interest in this application that she does not see a problem. There were no objections.

Ms. Obendorf explained that the proposed work consists of replacing an existing culvert that has collapsed on the southern side of the driveway. The entire project is within the floodplain but no fill is proposed. They propose riprap for the bottom which will allow sediment to flow in and create its own natural bottom. The riprap will stabilize the bottom.

Mr. Tiedemann informed the Commission that all the utilities currently go over the culvert. Over the years a lot of erosion has taken place. Commissioner Higgins asked if the riprap was necessary to stabilize. Director Kaye said there are other methods that should be considered as velocities were likely not very high. Director Kaye also said she believes if you do not have high velocity conditions, that something like turf reinforcement mats could stabilize and prevent erosion and allow the culvert to be more of a natural condition.

Chair Huggins inquired about the large pine tree with a substantial root system near the culvert replacement. Ms. Obendorf said that the pine tree is far enough away not to be damaged. Chair Huggins commented that an arborist should confirm that the tree and roots would not be damaged from the proposed work.

Ms. Obendorf informed the Commission that the fiber optic cable location has been moved further from the tree line. Assistant Director Capone asked if they have changed where the cable was going into the house. Mr. Tiedemann responded yes.

Chair Huggins requested a waiver for work within the 25-foot No Disturb Zone and information regarding whether removing the root will cause damage to the pine tree. In addition, a natural base is preferred to replace the proposed riprap.

There were no public comments.

At the request of the Applicant, the hearing was continued to September 21, 2016.

Notice of Intent Application for Massachusetts Port Authority, 777 Virginia Road, DEP File #137-1366

The Applicant is seeking approval to make improvements to the perimeter fence including installation of a wildlife deterrent skirt along the bottom of the fence within Bordering Vegetated Wetland, Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Elm Brook and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and

- Permitting - Perimeter Fence Plan prepared by Hoyle, Tanner & Associates, Inc. revised on September 8, 2016.

Kimberly Peace of Hoyle, Tanner & Associates, Inc. and James Stolecki of Massachusetts Port Authority's Environmental Unit attended tonight's meeting. Mr. Stolecki stated the fence is needed for airport security as well as keeping wildlife off the grounds because of the hazard to aircraft. Mr. Stolecki also said that the Federal Aviation Administration (FAA) has standards that pertain to both the condition and height of the fences. At the Hanscom Air Force Base there is a need to replace 6,500 linear feet of fencing in the towns of Concord and Bedford. He said that 3,000 feet are within resource areas. For Concord, approximately 880 linear feet of fencing will need to be replaced that are within resource areas. The placement of the fence will also include the installation of a wildlife skirt at the bottom of the fence. The wildlife skirts will be buried below the surface of the ground. The new fence will be installed two feet from the existing fence. Once the new fence is installed, the existing fence will be removed. Mr. Stolecki stated that small equipment will be used to drive the fence posts. Also, for the corners that are angled, the posts will be installed in concrete footings. However, in most cases, the posts will be driven into the ground.

Chair Huggins inquired why the work cannot be done on the airfield side rather than the wetland side. Mr. Stolecki said he is not sure why the alignment is offset to the outside and perhaps that was a possibility. Mr. Stolecki believes that probably they did not want to lose any of the airfield area. Ms. Peace also stated that currently the fence has a maintained corridor of 10 feet on each side. Therefore, the offset of two feet is still within the 10 feet of maintained corridor. Vegetation has already been cleared along that corridor. Commissioner Zaunbrecher asked if the cleared area will extend another two feet after the new fence is installed. Ms. Peace replied that it will. Director Kaye asked if one section of the fence will be on the airfield side, as proposed in the application, why not all? Mr. Stolecki said that generally they like to limit the amount of activity within the airfield but there is a section where they do have an offset to the inside. Director Kaye said it would be preferred to have the fence as far from the wetlands as possible. Ms. Peace said in places where they are just replacing the existing fence and installing a wildlife fence that would only be a temporary impact.

Commissioner Higgins requested documentation as to why there could not be other alternatives. Ms. Peace said they will also show the additional two feet of clearing.

There were no public comments.

At the request of the Applicant, the hearing was continued to September 21, 2016.

CLOSE AND ISSUE PERMITS

Notice of Intent Application for Brady Sunrooms, 243 Heaths Bridge Road, DEP File #137-1359

The Applicant is seeking approval to remove the existing deck, install a sunroom and addition to the existing house, and construct a new detached garage within the 200-foot Riverfront Area to the Sudbury River and within the Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Higgins moved to close the hearing and issue an Order of Conditions for Brady Sunrooms, 243 Heaths Bridge Road, DEP File #137-1359 with Findings A, B and C, Standard Conditions 1-19 and Special Conditions 20-50. Commissioner Zaunbrecher seconded. All so voted.

Notice of Intent Application for Ken Musen, First Spring Corporation, 396 Great Meadows Road, DEP File #137-1360

The Applicant is seeking approval to repave the existing driveway within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Poutasse moved to close the hearing and issue an Order of Conditions for Ken Musen, First Spring Corporation, 396 Great Meadows Road, DEP File #137-1360 with Standard Conditions 1-19 and Special Conditions 20-43. Commissioner Higgins seconded. All so voted.

Notice of Intent Application for Elise Mott, 779 Barretts Mill Road, DEP File #137-1358

The Applicant is seeking approval to construct a garage with the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for Elise Mott, 779 Barretts Mill Road, DEP File #137-1358 with Finding A, Standard Conditions 1-19 and Special Conditions 20-43. Commissioner Poutasse seconded. All so voted.

EXTENSION REQUEST

Waban Development Corp., 36 Blue Heron Road, DEP File #137-1054

Assistant Director Capone informed the Commission that the house on this property has been built and the septic system installed. The invasives mitigation has not yet been completed. The work just started. The Applicant requested a three-year extension to monitor plants. The invasives will be removed and then the plantings will go in and the time is necessary to make sure the plants survive.

Commissioner Higgins moved to grant a three-year extension for 36 Blue Heron Road, DEP File #137-1054 until January 22, 2020. Commissioner Zaunbrecher seconded. All so voted.

CERTIFICATES OF COMPLIANCE

McNicholas, 21 Hawthorne Lane, DEP File #137-1263

Commissioner Poutasse moved to issue a Certificate of Compliance for 21 Hawthorne Lane, DEP File #137-1263. Commissioner Zaunbrecher seconded. All so voted.

Randle, 359 Pope Road, DEP File #137-432

Commissioner Higgins moved to issue a Certificate of compliance for 359 Pope Road, DEP File #137-432. Commissioner Zaunbrecher seconded. All so voted.

OTHER BUSINESS

Director's Report

- Director Kaye informed the Commission that the Natural Resources Division is hosting the Warner's Pond Dredging Feasibility Study Community Forum next Thursday, September 15th at the Harvey Wheeler Community Center. The purpose of the meeting is to look at a limited dredge area of about 6 acres and get input from the public. Commissioner Zaunbrecher asked if this was an issue for other ponds in Concord.

Director Kaye responded that it is very common for impounded streams or rivers to fill in with sediment over time. As they fill in, conditions improve for submerged plants that grow and exacerbate conditions because they contribute to organic buildup. Director Kaye stated that you can either remove dams or dredge ponds. If a dredging project is done well you may see improvements for 20 to 50 years.

- Director Kaye said that the Planning Division is having an Assabet River Pedestrian Bridge Feasibility Study prepared. The crossing would be between 300 Baker Avenue and the Volunteers of America. Both properties have a CR (the VOA CR is nearly complete) that allow for a bridge crossing. Planning and Natural Resources staff visited the site today to look at potential crossing locations and a plan should be completed by early winter. The bigger steps after the feasibility study would be funding for the design, permitting, and construction.
- Director Kaye said that she received a certified Purchase and Sale Agreement for land at 225 Forest Ridge Road which is in Chapter 61 assessment for recreational purposes. It is about 9 acres across from the Black Birch development. The Commission has 120 days in order to review the P&S and provide a recommendation to the Select Board on acting on its right of first refusal.

Administrative Approvals

- **129 Lowell Road - Monitoring Well**
Assistant Director Capone said that Concord Oil has installed some monitoring wells to assess groundwater conditions. Concord Oil is looking to install one more. There would be no change in grade and no alteration to the floodplain but it is in the resource area. Approval was granted.
- **20A Lowell Road (Old Calf Pasture), Division of Natural Resources - Invasive Species**
Director Kaye said that New England Wildflower has started its annual treatment of the buckthorn at Old Calf Pasture. They are doing a stem swipe of the glossy buckthorn. There has been a substantial improvement to the Britton's violet populations as a result of the invasive species control. There are areas outside of Britton's habitat that New England Wildflower is interested in treating for primarily glossy buckthorn along the woodland edges and they recommend limited foliar spray along the wood line outside areas of Britton's habitat. They will also get approval from Natural Heritage. Director Kaye recommends that they proceed with this approach. Approval was granted.
- **54 Hawthorne Lane, Huggins - Tree Removal**
Director Kaye said that two massive willow trees came down on the property. The proposal is to take down the two willow trees and replace with native trees due to the recent tornado (to be determined). The leader that has fallen into the brook (about 10 feet) is sitting in the channel and needs to be pulled out. Arborist Jon Grinnell will be doing the tree work. Chair Huggins wanted to make sure where the National Park boundary was. Director Kaye said that is on the other side but she will take a look at that. Approval was granted.

Commissioner Higgins moved to approve the July 20, 2016 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. All so voted.

Commissioner Zaunbrecher moved to adjourn. Commissioner Higgins seconded. All so voted.
This meeting adjourned at 8:50 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant